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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,687	12/31/2003	Steven A. Jackson	67171-011	1980
<div>7590 12/11/2007 MCDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096</div>			<div>EXAMINER DABNEY, PHYLESHA LARVINIA</div>	
			<div>ART UNIT 2614</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 12/11/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,687

Applicant(s)

JACKSON ET AL.

Examiner

Phylesha L. Dabney

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the Response to Election received on 9 October 2007 in which claims 1-15 were elected.

Election/Restrictions

1. Applicant's election without traverse of Group I, Species I, Claims 1-15 in the reply filed on 9 October 2007 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6, and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Wen (U.S. Patent No. 6,757,387).

Regarding claims 1 and 6, Wen teaches an adapter for connecting a device (fig. 1, phone base, J-0) outputting a signal to a first auxiliary device (at J-2, handset) and a second auxiliary device (at J-3, J-4, headset) comprising: a first connector (J-1) for transmitting the signal output by the device and transmitting a different signal to the device; a first switch (SW-1, SW-2) for receiving the signal from the first connector, and for switching between a first position and a

second position; a second connector (J-2) for receiving the signal from the switch in the first position and for outputting the signal to the first auxiliary device; and a third connector (J-3, J-4) for receiving the signal from the switch in the second position and for outputting the signal to the second auxiliary device and for receiving the different signal from the second auxiliary device.

Regarding claim 2, Wen teaches the apparatus according to claim 1, further comprising a second switch (SW-3) for switching between an open position and a closed position, wherein when in the closed position, the first connector receives the different signal output via the third connector.

Regarding claim 3, Wen teaches the adapter according to claim 1, further comprising a housing (fig. 1) for at least one of the first switch, the first connector, the second connector, and the third connector.

Regarding claim 11, Wen teaches the adapter according to claim 1, wherein the second connector (J-2, transmit/receive receptacle) is a transmitter for transmitting the signal to the first auxiliary device.

Regarding claim 12, Wen teaches the adapter according to claim 1, further comprising: a second switch (SW-2) switchable between a first position and a second position; and a transmitter (J-2, transmit/receive receptacle) for transmitting the signal to the first auxiliary device when the switch is in the first position, wherein the second connector (at J-2), for

connecting to the first auxiliary device, receives the signal when the second switch is in the second position.

Regarding claim 13, Wen teaches the adapter according to claim 1, wherein the third connector (J-3, J-4) is a transceiver for transmitting the signal to and receiving the different signal from the second auxiliary device (at J-3, J-4; headset).

Regarding claim 14, Wen teaches the adapter according to claim 1, further comprising: a second switch (SW-3) switchable between a first position and a second position; and a transceiver (at J-3, J-4; transmit/receive receptacle) for transmitting the signal to and receiving the different signal from the second auxiliary device (at J-3, J-4; headset) when the switch is in the first position, wherein when the second switch is in the second position, the second connector receives the signal.

Regarding claim 15, Wen teaches the adapter according to claim 1, wherein at least one of the first connector and the third connector (at J-3, J-4; handfree headset utilizing a microphone) is a duplex connector for simultaneously transmitting signals in opposite directions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-5, 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wen.

Regarding claims 4-5, 7 and 10, Wen fails to teach the specifics of the connection made.

Kelso teaches the adapter according to claim 3, wherein at least one of the first, second, and third connectors (fig. 17; 140, retractable cord extending between the telephone base and handset) is protractable from, and retractable to, the housing, which makes the cord length compact and reduces breakage.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a retractable connector in the invention of Wen as taught by Kelso for reasons stated.

Regarding claims 8 and 10, Although Wen does not specifically teach the adapter configuration used (col. 2 lines 5-20), Wen does elude to the use of 1-4 or 1-3 adapter (wiring) configurations.

Kelso teaches the adapter according to claim 6, wherein the first connector, second connector, and third connector having a 1-4 adapter (wiring) configuration (col. 5 lines 40-47) wherein the connectors utilize a ground line (44) as part of the configuration.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the adapter in the invention of Wen in the manner as taught by Kelso for grounding the circuit against malfunction or electrical harm to the user.

Regarding claim 9, the combination of Wen and Kelso teaches the adapter according to claim 7, further comprising a housing (Wen; fig. 1) for the first switch and the second switch.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494.

The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:
(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 5, 2007


PLD